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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 October 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18 and 25-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18 and 25-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

2.   Claims **1-3, 6-7, 10-12, 15-16 and 25-30** are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent No.7,055167 issued to **Masters** (hereinafter

Master); in view of US Pat 6,324,338 to **Wood** et al. and further in view of WO 00/40021

to Edwin **Montie** et al. (hereinafter Montie);

Regarding to claim 1: Fig. 3 of Master illustrates a system [1] support "a

personal channel service providing method for outputting a television (TV) program

preferred by a user, which is referred to as a preferred program, which is referred to as

a preferred duration, the method comprising the steps of:

(a) a PVR [4] "**receives content description data**" at connection (14a of Fig.

3) **of a program to be broadcasted**" from broadcast source [2] as "**a TV network** "and

responses "**instance description data**" at connection (14b of Fig. 3) of a program to

39the broadcast source [2]. (**see Master, Fig. 1, 3 col. 2, line 53 to col. 3, line 13 and**

col. 6 lines 9-23).

(b) Fig. 4 of Master illustrates the viewing menu 40 on display [6] that

"**determines the preferred duration and the preferred program in the preferred**

duration" into submenu [44]" **based on usage history of the PDR**" [4] (**see Master,**

Fig. 4, col. 7 line 44 to col. 8 line 30) and Fig. 2 of Master shows the procedure

selectively updates the viewing menu 40 upon viewer input on the predetermined day of

the week to provide for a history of broadcast programs the viewer actually selected on

the predetermined day of the week that meets "**updating the instance description**

data to include the preferred duration and the preferred program"(**see Master,**

steps 210-214 of Fig. 2 col. 5 lines 12-26).

However, Master reference is silent with "a personal channel of a personal digital

recorder beginning at a time preferred by the user, c) outputting to the personal channel

the preferred program at the preferred duration; wherein the personal channel is for

providing the preferred program listed in the EPG to the user and

generating an electronic program guide for informing the user that the preferred

program is outputted on a personal channel at the preferred duration based on the

updated instance description data"

In an analogous art directed toward a similar problem namely improving the

results from a personal channel of a personal digital recorder (PDR) [4] beginning at a

time preferred by the user, and (c) outputting to the personal channel the preferred

program at the preferred duration wherein the personal channel is for providing the

preferred program listed in the EPG to the user. Wood ,the same field endeavor,

teaches **a personal channel of a personal digital recorder** (i.e. (VDR) of Fig. 1)

beginning at a time preferred by the user (i.e. Fig. 9 user can watch "Scooby Doo" in

a time preferred by the user and can record it on **Personal Channel** which is created)

(Wood, col. 5 lines 52-65, col. 7 lines 1-26). Fig. 10 of Wood illustrates P100, P101,

and P102 as **Personal Channels** of **the preferred program** (i.e. "Friends", "Tonight",

and "Science" Shows respectively) corresponding to **the preferred duration** is

displayed on channel guide, *wherein the personal channel is for providing the*

preferred program (i.e. retrieving stored programs from storage [105]) **listed in the**

EPG to the user (Wood, col. 7 lines 27-38) meets the scope of *(c) outputting to the*

personal channel the preferred program at the preferred duration wherein the

personal channel is for providing the preferred program listed in the EPG to the

user . Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to modify a personal channel service of Master

including the personal channel is for providing the preferred program listed in the EPG

to the user as taught by Wood, in order to provide sufficient integration of the channel

guides with the record and playback capabilities of video data recorders.(**Wood, col. 1**

lines 53-55)

However, neither Master nor Wood teaches *generating an electronic program guide for*

informing the user that the preferred program is outputted on the personal channel at

the preferred duration based on the updated instance description data

In an analogous art directed toward a similar problem namely improving the

results from generating an electronic program guide. Fig. 1 of Montie illustrates a

receiver apparatus includes EPG module [14] generates an on-screen overview

programs stored in the memory [11] can be accessed by a virtual channel module [15]

for creating the virtual channel based on a personal program schedule that is composed

by the schedule module [16] (see **Montie, page 4, line 10-page 6 line 18)** meets the

limitation of "**generating an electronic program guide**" for combining with Master and

Wood references for teaching **"informing the user that the preferred program is**

outputted on the personal channel at the preferred duration based on the updated

instance description data". At the time of the invention, it would have been obvious to

a person having ordinary skill in the art to combine EPG module **for generating an**

electronic program guide as taught by Montie with **"informing the user that the**

preferred program is outputted on a personal channel at the preferred duration

based on the updated instance description data" as taught by Master and Wood, in

order to provide a personal reproduction schedule of a subset of the stored

programs.(Montie, Abstract)

        Regarding to claim 2. Masters disclose the method as recited in claim 1; also

discloses wherein the step b) includes the steps of:

        e) selecting the preferred duration, such as day and time(TUESDAY,

10PM), genre preferred in the preferred duration, which is referred to as a preferred

genre (CH7 FRASIER) and a predetermined number of preferred program titles (CH 11

NEWS) based on the usage history of the PDR (as discussion in claim 1-b), and

generating user preference data (view menu 40) to include the preferred duration

(Submenu 42: Day/Segment), the preferred genre (submenu 44: category name or

genre), and the preferred program titles (submenu 44:channel 2 news); (**Master**, **see**

Fig. 4 col. 7 line 44 to col. 8 line 49)

f) if the preferred duration is for watching a program stored in the PDR

(**col. 8, lines 31-38**), extracting group information of a program title that belong to the

preferred genre among the preferred program titles based on the content description

data (**Master**, **col. 8, lines 50-58 and Fig.4**); and

g) determining a program following a most recently watched program

among the programs that belong to the group as the preferred program in the preferred

duration; **see Master, col. 8 line 50 to col. 9 line 13)**

Regarding to **claim 3:** Masters discloses the method as recited in claim 2,

wherein the preferred duration, such as day and time, is selected based on total

duration of programs outputted by the PDR in particular time duration. (Limitation of

claim 1 of **Master, col. 9 lines 15-32).**

Regarding to **claim 6:** Masters discloses the method as recited in claim 1;

further discloses wherein the step b) includes the steps of:

h) selecting the preferred duration, such as day and time, preferred genre in

the preferred duration, and a predetermined number of preferred program titles based

on the usage history of the PDR (see claim 1 discussion), and generating user

preference data to include the preferred duration, the preferred genre, and the preferred

program titles;(same ground rejection of claim 2-e)

i) if the preferred duration is for watching a program broadcasted in real-time

(**Master , col. 8 lines 38-49**), extracting a list of real-time broadcasting programs from

the instance description data (**Col. 8 lines 50-58);** and

j) determining a program that belongs to the preferred genre among the

programs on the list as the preferred program in the preferred duration. (Same ground

rejection of claim 2-g).

Regarding to **claim 7:** same claim 3 ground rejection**.**

Regarding to **claim 10**: Master discloses a personal channel service providing

apparatus (PDR 4 of Fig. 1, 3; **col. 2 lines 30- 46**) for outputting a TV program preferred

by a user, which is referred to as a preferred program, through a personal channel

beginning at a time preferred by the user, which is referred to as a preferred duration,

the apparatus [4] comprises: " a memory portion" management module [8] is

implemented in connection with a central processor "for storing a control program" to

control PVR [4]; (see Master, **Figs.1, 3; col. 6 lines 44-61),** "a database" storage[10]

"stores instance description data , usage history of the personal channel service

providing apparatus"; (**col. 6 line 62 to col.7 line 17**) and " a display portion" [6] is

connected with display generator [18] inside PDR[4] by [12] "for outputting an EPG"

information [26] from management module [8]; (**Master, Fig. 3, col. 5 lines 28-61**).

However, Master reference is silent with "a processing portion for updating the instance

description data based on the user preference data and generating an EPG which

informs the user that the preferred program is outputted through the personal channel at

the preferred duration based on the updated instance description data, the processing

portion being connected to the memory portion, the database, and the display portion"

In an analogous art directed toward a similar problem namely improving the

results from the apparatus includes a processing portion is connected to the memory

portion, the database, and the display portion for updating the instance description data,

outputting to the personal channel the preferred program at the preferred duration

wherein the personal channel is for providing the preferred program listed in the EPG to

the user.

Fig. 1 of Wood illustrates "**a processing portion**" includes a processor [101] being

connected to the **memory portion** (i.e. video storage [105]), the channel guide

database [103] and the **display portion** (i.e. video output [107]) **(see Wood, col. 2**

lines 36-45,); wherein user uses the user interface [108] matches the user criteria data

[from [104] with channel guide information from channel guide data base source

[109]"**for updating the instance description data based on the user preference**

data" (see Wood, col. 2, line 56-col. 3 line 27) and Fig. 10 of Wood illustrates P100,

P101, and P102 as **Personal Channels** of **the preferred program** (i.e. "Friends",

"Tonight", and "Science" Shows respectively) corresponding to **the preferred duration**

is displayed on channel guide, ***wherein the personal channel is for providing the***

preferred program *(i.e. retrieving stored programs from storage [105])* ***listed in the***

EPG to the user **(Wood, col. 7 lines 27-38)** meets the scope of *(c) **outputting to the***

personal channel the preferred program at the preferred duration wherein the

personal channel is for providing the preferred program listed in the EPG to the

user wherein the personal channel is for providing the preferred program listed in

the EPG to the user. Therefore, it would have been obvious to a person having

ordinary skill in the art at the time of the invention was made to modify a personal

channel service of Master including the personal channel is for providing the preferred

program listed in the EPG to the user as taught by Wood, in order to provide sufficient

integration of the channel guides with the record and playback capabilities of video data

recorders.(**Wood, col. 1 lines 53-55)**

However, neither Master nor Wood teaches *generating an electronic program guide for*

informing the user that the preferred program is outputted on the personal channel at

the preferred duration based on the updated instance description data.

 Fig. 1 of Montie illustrates the EPG module [14] is "**generating an EPG which informs**

the user that the preferred program is outputted through the personal channel at

the preferred duration based on the updated instance description data" (see

Montie, *page 3 lines 23-33 and* **page 5, lines 15-25).** At the time of the invention, it

would have been obvious to one with ordinary skill in the art to combine EPG module for

generating EPG as taught by Montie with the PDR for personal channel service with a

processing portion as taught by Master and Wood; the above combination informs the

user that the preferred program is outputted through the personal channel at the

preferred duration based on the updated instance description data.

Regarding to **claim 11:** same claim 2 ground rejection.

Regarding to **claim 12:** same claim 3 ground rejection.

Regarding to **claim 15:** same claim 6 ground rejection.

Regarding to **claim 16:** same claim 3 ground rejection.

Regarding to claim 25. Fig. 1 of Masters illustrates a personal channel service

providing apparatus (i.e. PDR 4 of Fig. 1, 3; **col. 2 lines 30- 46**) comprising:

a collecting unit [8] of PVR [4] "receives **content description data of broadcasting**

programs" at connection (14a of Fig. 3)" from broadcast source [2] and responses

"**instance description data of broadcasting programs**" at connection (14b of Fig. 3)

(see **Master, Fig. 1, 3 col. 2, line 53 to col. 3, line 13 and col. 6 lines 9-23).**

Fig. 3 of Master illustrates a receiver apparatus PVR 4; includes **a user profile unit**

[30] **for providing user preference data to the collecting unit;**(i.e. the PVR 4 is

configured to receive viewer inputs [30] via the remote control 16); *reads on* (**col. 5**

lines 35-37)

determining a broadcasting program based on user preference data, the content

description data (*i.e. recorded program is transmitted from service provider* [2] of Fig.

3) (**col. 2 lines 58-67) and instance description data** (*i.e. the current watching*

program at user's EPG [26] of Fig. 3) (**see Fig. 3, col. 5 line28 to col. 7 line 43; Fig. 4**

col. 7 line 53 to col. 8 line 19); and updating the instance description data to

include information of the determined broadcasting program (see Master, steps

210-214 of Fig. 2 col. 5 lines 12-26);

However, Master is silent with *a personal channel controller for generating a personal*

channel and generating an electronic program guide (EPG) based on the content

description data and the updated instance description data; *wherein the personal*

channel is for providing the preferred program listed in the EPG to the user

In an analogous art directed toward a similar problem namely improving the

results from *a personal channel controller for generating a personal channel* **outputting**

to the personal channel the preferred program at the preferred duration; *wherein*

the personal channel is for providing the preferred program listed in the EPG to the user

Fig. 1 of Wood illustrates "***a personal channel controller***" as a processor [101] being

connected to the **memory portion** (i.e. video storage [105]), the channel guide

database [103] and the **display portion** (i.e. video output [107]) ***for generating a***

***personal channel* (see Wood, col. 2 lines 36-45,)**; (i.e. Fig. 9 user can watch "Scooby

Doo" in **a time preferred by the user** and can record it on **Personal Channel** which is

created) **(Wood, col. 5 lines 52-65, col. 7 lines 1-26)**. wherein user uses the user

interface [108] matches the user criteria data [from [104] with channel guide information

from channel guide data base source [109]"**for updating the instance description**

data based on the user preference data" (see Wood, col. 2, line 56-col. 3 line 27)

and Fig. 10 of Wood illustrates P100, P101, and P102 as **Personal Channels** of **the**

preferred program (i.e. "Friends", "Tonight", and "Science" Shows respectively)

corresponding to **the preferred duration** is displayed on channel guide, ***wherein the***

personal channel is for providing the preferred program *(i.e. retrieving stored*

programs from storage [105]) ***listed in the EPG to the user*** **(Wood, col. 7 lines 27-38)**

meets the scope of ***(c) outputting to the personal channel the preferred program at***

the preferred duration wherein the personal channel is for providing the preferred

program listed in the EPG to the user wherein the personal channel is for

providing the preferred program listed in the EPG to the user. Therefore, it would

have been obvious to a person having ordinary skill in the art at the time of the invention

was made to modify a personal channel service of Master including the personal

channel is for providing the preferred program listed in the EPG to the user as taught by

Wood, in order to provide sufficient integration of the channel guides with the record and

playback capabilities of video data recorders.**(Wood, col. 1 lines 53-55)**

However, neither Master nor Wood teaches *generating* an electronic program guide

(EPG) based on the content description data and the updated instance description data

        In an analogous art directed toward a similar problem namely improving the

results from *generating* an electronic program guide (EPG) based on the content

description data and the updated instance description data

Fig. 1 of Montie illustrates **EPG module** [14] generates an on-screen overview

programs stored in the memory [11] can be accessed by a virtual channel module [15]

for **generating an electronic program guide** based on a personal program schedule

that is composed by the schedule module [16] that meets "**generating an electronic**

program guide for informing the user that the preferred program is outputted on the

virtual channel **at the preferred duration based on the updated instance description**

data" **(see Montie, page 4, line 10-page 6 line 18)** meets the limitation of **"*generating***

an electronic program guide (EPG) based on the content description data and the

updated instance description data". At the time of the invention, it would have been

obvious to a person having ordinary skill in the art to combine EPG module as taught by

Montie with the personal channel service including personal channel listing on EPG of

Master and Wood, to generate EPG information for supporting the personal

reproduction schedule.

Regarding to claim 26. the apparatus as recited in claim 25, Masters teaches

the user preference data is updated in accordance with user history information (sub

menu 42, 44 in view menu 40 of Fig. 4; see **Master, col. 8 lines 3- 30**).

Regarding to claim 27. the apparatus as recited in claim 25, Masters also

teaches the user history information includes information of user action (*based on sub

menu 42, 44 in view menu 40 of Fig. 4; user can Edit or Execute the viewing menu*)

when the user reviews the broadcasting program in the EPG. (See **Master, col. 8 line

31-col. 9 line 13**).

Regarding to claim 28: the apparatus as recited in claim 25, Masters further

teaches the content description data includes program information and group

information. (*sub menu 44 contains channels and category group*; **see Master, Fig. 4

col. 8 lines 3- 30**).

Regarding to claim 29. the apparatus as recited in claim 25, Masters further

teaches wherein the instance description data includes program location and service

information (see **Fig. 3 col. 5 line 28 to col. 7 line 43**).

Regarding to claim 30: the apparatus as recited in claim 25, Montie also

teaches "**wherein the user preference data includes a user's preferred day and**

time (*i.e. a personal reproduction schedule or user selective schedule*), **genre, or title**

(*i.e. user profile*)". (see **page 2 lines 4-23**)

3.   Claims **4-5, 8-9, 13-14 and 17-18** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Masters, Wood and Montie**; in view of US Patent No. 7,212,730

(Hereinafter US'730) issued to **Boston** et al.

Regarding to claim 4: Masters discloses the method as recited in claim 2; but

fails to teach wherein a genre of a program that occupies the longest duration among

the programs.

In an analogous art directed toward a similar problem namely improving the

results from a genre of a program. Boston, the same field endeavor, teaches wherein a

genre of a program that occupies the longest duration among the programs outputted

by the PDR in the preferred duration is selected as the preferred genre. (Genre field 430

is used to identify the types of programs the user enjoys watching; (see **col. 6 lines 20-**

38); and Metadata 540 maintained for the program may include the program title 550,

the length of program 565, the genre of the program 580. The metadata is searchable

by the DVR in selecting a program that based on the user's preferences; that user is

likely to enjoy watching; **(see Boston, col. 6 lines 44-54 and Fig. 4**).Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify a personal channel service on EPG of Masters, Wood and Montie

with a metadata maintained for the length of a genre program as taught by Boston; in

order to create a personal channel based on category's user.

Regarding to **claim 5:** Boston discloses the method as recited in claim 2,

wherein the preferred program titles are selected based on the program duration

outputted by the PDR, the EPG, and a frequency of program information exposure.

(Boston, Fig.19 col. 16 lines 19-62 and Fig. 25 col. 20 lines 36 to col. 21 line 29).

Regarding to claim 8: same ground rejection of claim 4.

Regarding to claim 9: same ground rejection of claim 5.

Regarding to claim 13: same claim 4 ground rejection.

Regarding to claim 14: same claim 5 ground rejection.

Regarding to claim 17: same claim 4 ground rejection.

Regarding to claim 18: same claim 5 ground rejection.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-18, 25-30 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ALAN LUONG whose telephone number is (571)270-

5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/
Examiner, Art Unit 2427

/Jason P Salce/
Primary Examiner, Art Unit 2421